

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
LAND USE REGULATION AND ENFORCEMENT DIVISION
PUBLIC HEARING

RE: 2014-09-1213 - Cedar Properties, LLC. (Rite Aid)

Thursday - July 16, 2015

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
PUBLIC HEARING, taken in the offices of CASINO
REINVESTMENT DEVELOPMENT AUTHORITY, 15 South
Pennsylvania Avenue, Atlantic City, New Jersey, before
Karen Winkler, a Certified Court Reporter and Notary
Public of the State of New Jersey, on the above date,
commencing at 10:00 a.m., there being present:

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1 APPEARANCES :

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LANCE B. LANDGRAF JR.,
7 Director of Planning
Hearing Officer

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RYKER, DANZIG, SCHERER, HYLAND
& PERRETTI, LLP

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BY: SCOTT G. COLLINS, ESQUIRE
Attorney for Casino Reinvestment
14 Development Authority

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ROBERT REID,
Land Use Regulation Enforcement Officer

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CHRISTINE A. COFONE, PP, AICP,
COFONE CONSULTING GROUP, LLC

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1 APPEARANCES - CONTINUED:

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WILLIAM ENGLAND, PE, PP, CME,
ADAMS, REHMANN & HEGGAN

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NEHMAD, PERILLO & DAVIS, PC
BY: KEITH A. DAVIS, ESQUIRE
Attorney for Applicant

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1 MR. LANDGRAF: Call the July 16th Land
2 Use Regulation Enforcement Division hearing to
3 order.

4 Would everyone please rise for the
5 Pledge of Allegiance.

6 (At this time the Pledge of Allegiance
7 is being recited.)

8 MR. LANDGRAF: Thank you. This hearing
9 has been noticed in accordance with the Senator
10 Byron M. Baer Open Public Meetings Act. We have
11 there's three items listed on the agenda today. One
12 of them will be tabled.

13 The first item on the agenda is
14 application number 2014-09-1213, Cedar Properties,
15 LLC. That's the Rite Aid application.

16 The second one that is listed is the one
17 that will be tabled. It's the California Avenue
18 Ventures, LLC site plan application. We anticipate
19 that that will be here on August 6, but we're not
20 positive of that at this point, but that is what is
21 anticipated.

22 The third application was for Dock's
23 Oyster House, application number 2015-06-1550. It's
24 also preliminary and final site plan with use and
25 signage variances.

1 First item will be Cedar Properties,
2 preliminary and final site plan for the Rite Aid
3 Pharmacy with drivethrough and associated parking and
4 signage. Mr. Davis is here. I'll let him present
5 the application.

6 MR. DAVIS: Thanks very much. Good
7 morning, Mr. Landgraf. As you've indicated, this is
8 an application for the development of a new Rite Aid
9 Pharmacy with drivethrough and related site plan
10 improvements. Our client is Cedar Properties, LLC.
11 There are the developers of the Rite Aid project.
12 The property's located at 3218 Atlantic Avenue.
13 It's a former parking lot for the Atlantic Club
14 Casino Hotel. It is designated on the Atlantic City
15 tax map as block 183, lots 1 through 8, 20 through
16 28. We are seeking preliminary and final major site
17 plan approval, together with certain specified
18 variances concerning the identification signage, the
19 number of parking spaces, the dimensions of those
20 parking spaces, lot coverage and setbacks related to
21 the parking area as well. We have provided the
22 required public notice. We've submitted a proof
23 package to Mr. Reid to evidence that notice being
24 provided.

25 I have with me this morning three

1 principal witnesses that I intend to question, the
2 first of which is Mr. Peter Stampfl who is our
3 project architect. Mr. Bill McManus, who is our
4 planner with Duffy, Dolcy & McManus and Mr. Pete
5 Dolcy who is our civil engineer and prepared the site
6 plan drawings that have been presented to the CRDA.

7 With your permission, can we have all
8 three of them sworn in?

9 MR. LANDGRAF: Sure. First let me ask
10 Rob to comment on the notice requirements.

11 MR. REID: Yes, I've reviewed the proof
12 of service and everything is in order. We have
13 jurisdiction to approve the application.

14

15 PETER G. STAMPFL, PETER DOLCY and
16 WILLIAM P. McMANUS, sworn.

17

18 BY MR. DAVIS:

19 Q. Mr. Stampfl, if you could come forward
20 first. Do you have your boards?

21 A. I do have the boards right here.

22 Q. Great. And since you have never
23 testified before the CRDA, let me just ask you a
24 couple questions for purposes of qualifying to
25 provide testimony. You are a licensed architect in

1 the state of New Jersey, is that correct?

2 A. Yes, it is.

3 Q. And for how long have you been so
4 licensed?

5 A. I believe since 1991. I believe it's
6 October, but I don't remember.

7 Q. How long have you been in the practice
8 of architecture?

9 A. Since 1982.

10 Q. And have you appeared before land use
11 boards and presenting testimony as an architect on
12 other applications for development?

13 A. Yes, I have.

14 Q. Okay. And have you been accepted as an
15 expert in the field of architecture in those
16 circumstances?

17 A. Yes, I have.

18 Q. And you've been engaged by Rite Aid
19 with respect to this project, is that correct?

20 A. That is correct.

21 MR. DAVIS: Mr. Landgraf, I'd like to
22 submit Mr. Stampfl as a professional in the field of
23 architecture.

24 MR. LANDGRAF: Certainly. We would
25 accept his credentials and deem him so qualified.

1 MR. DAVIS: Thank you.

2 BY MR. DAVIS:

3 Q. Could you describe to Mr. Landgraf, the
4 hearing officer, what the Rite Aid project entails,
5 the nature of the development, the building you've
6 designed and the materials that have been utilized?

7 A. Yes. The first exhibit is the
8 perspective showing two elevations.

9 MR. LANDGRAF: Mark that as A-1.

10 MR. STAMPFL: It is marked as A-1 in
11 the top right-hand corner.

12 MR. LANDGRAF: Great. Thank you.

13 MR. STAMPFL: The building itself is
14 14,900 square feet approximately. It is proposed as
15 a pharmacy, Rite Aid Pharmacy. The materials we
16 have selected are Spec-Brik. I do have samples if
17 somebody would like to see what the material looks
18 like. I brought that with me as well. Foundations,
19 because it is in a floodplain, we have two options.
20 One is a poured concrete footing and foundation with
21 a concrete slab. The slab will be engineered so
22 that it will resist the buoyancy and the uplift
23 created by flood waters. The footing would be
24 designed as a shoe block design so that the concrete
25 pour would project up to the design flood elevation

1 and then the Spec-Brik would continue down the
2 outside to provide a more attractive appearance, so
3 you don't see that foundation wall.

4 The elevation itself, we have broken up
5 with piers created with the Spec-Brik. Also there
6 was Canamould which is the lighter color banding that
7 you see at the top of the parapet wall, as well as
8 right underneath where the rain leaders come down to,
9 again, break up the mass of the building. There is
10 additional detailing provided in the various colors
11 of Spec-Brik to start to create a nice pattern and
12 rhythm across the elevation of the building. There
13 are three panels shown. The panels are created by
14 Fossil Industries. It is a durable water- and
15 weather-resistant material and, again, I can pass
16 this around if you would like to take a look at the
17 material. This is downlighting provided so in the
18 evening these panels would be lit and would be
19 visible as well.

20 BY MR. DAVIS:

21 Q. Mark that panel as A-7 for purposes of
22 identification.

23 A. The next board is labeled in the top
24 right hand as Exhibit A-2. It is our board A-201.
25 Shows all of the proposed elevations for the

1 building. In the center is the main entry, an
2 enlargement showing what the main entry would likely
3 look like. This is often curved panel that projects
4 out to provide cover for customers coming into the
5 store from rain and the elements. The elevation to
6 the left of that is the one that was shown in the
7 color rendering. There is a roll-up loading door as
8 well as a man door to the left portion of that.
9 That is where the loading would occur for the
10 deliveries for Rite Aid. Signage is shown on all of
11 the elevations as they are proposed for the
12 building. They are in compliance so there is no
13 relief sought for size and amount of signage on the
14 building. To the left also shows the drivethrough
15 location here and the appropriate signage for height
16 so that vehicles are aware of what the height of the
17 canopy is.

18 Q. Before you leave that board, Mr.
19 Stampfl, early on in the development process, we
20 made application to the Atlantic City Zoning Board
21 of Adjustment for variance relief concerning the
22 city's flood control ordinance. You're aware of
23 that application?

24 A. Yes.

25 Q. That's been withdrawn, correct?

1 A. Yes.

2 Q. And that's because we are now complying
3 with that flood control ordinance, correct?

4 A. That is correct.

5 Q. How are you flood proofing this
6 building in order to satisfy the ordinance
7 requirements?

8 A. If I can jump to the next board here.
9 This board is labeled in the top right-hand corner
10 Exhibit A-3. It is our board A-104. There are
11 numerous entrances to the building. The lower left
12 is the main entrance that the public would be using.
13 There is a secondary entrance here and then as was
14 pointed out on the other board, there is the roll-up
15 loading door as well as an additional man door.
16 There is a ramp for access as well as a staircase to
17 the rear. We are looking at utilizing flood shields
18 or gates at these entrances in compliance with the
19 code and the ordinances. I do have some literature
20 showing what they look like if you would like to
21 take a look at that as well. But that is our
22 intent, to be in compliance with the ordinances and
23 codes that have jurisdiction over how those glass
24 doors should be handled.

25 In addition to that, as I mentioned,

1 the foundation wall, the one option is to pour the
2 concrete with a shoe block. That is going to be
3 poured to a height so that the floodwaters would
4 basically hit that concrete wall. They wouldn't hit
5 the Spec-Brik itself.

6 If the option were to go with Spec-Brik
7 and block, then we would look at waterproofing
8 through either coatings or a membrane with Spec-Brik
9 to make sure it's in compliance with the ordinance.

10 Q. We're obviously lighting the site as
11 well. Could you just briefly describe to Mr.
12 Landgraf the nature of the lighting plan as part of
13 the development package?

14 A. The lighting, I think, Pete might --

15 MR. DAVIS: Were you going to address
16 that, Pete?

17 BY MR. DAVIS:

18 Q. Fair enough. We are requesting
19 variances, as you know, for some of the signs.

20 A. Yes.

21 Q. Which is incorporated into your
22 architectural package, right?

23 A. Uh-huh.

24 Q. With respect to that, one of the
25 purposes of zoning is to provide a desirable visual

1 environment through good civic design and
2 arrangement. Do you mean that the architectural
3 plans you have prepared that you presented to the
4 hearing officer this morning advance that purpose of
5 zoning?

6 A. I do.

7 Q. And for all the reasons that you've
8 testified to already?

9 A. Correct.

10 MR. DAVIS: No further questions of
11 this witness.

12 MR. LANDGRAF: Okay. Thank you. One
13 question. You did talk about the signage. I think
14 it was on the A-1, the original. This facade was of
15 significant discussion in our preliminary meetings.
16 The two ends, I don't know what you're calling
17 those, the art panels?

18 MR. STAMPFL: Panels.

19 MR. LANDGRAF: They have text on it and
20 it does advertise Rite Aid. Was that included in
21 your sign calculations at all?

22 MR. STAMPFL: That was.

23 MR. LANDGRAF: Okay, good. And they
24 were still in compliance.

25 MR. STAMPFL: We were still in

1 compliance.

2 MR. DAVIS: So it's just the text of
3 Rite Aid that was included, not the entirety of the
4 panel, correct?

5 MR. STAMPFL: That's correct. It says
6 wellness by Rite Aid. The Rite Aid was included in
7 the signage calculation.

8 MR. LANDGRAF: Okay. All right. Thank
9 you.

10 MR. DAVIS: And I believe, Mr. McManus
11 can testify to this with more precision, but we're
12 well within the building mounted identification sign
13 limitations under the ordinance.

14 MR. LANDGRAF: Okay. Good. Yeah, it's
15 based on the facade. It doesn't look like it much.

16 Bill, you have a comment?

17 MR. ENGLAND: I don't know if you want
18 to look at it now or later. Bring up A-2 again.
19 That wall happens to be at the top right-hand corner
20 where the drive-up is, for the drive-up pharmacy.
21 And if you notice that particular facade is
22 different than the other three sides of the
23 building. So I made a comment in my report and I
24 don't know if you wanted to have him address it now
25 as to whether or not they were going to continue the

1 pattern around or whether or not you might be
2 satisfied with the way it's looking now. So it's up
3 to you.

4 MR. LANDGRAF: Okay. Are the other
5 three sides -- doesn't look like the back there
6 is -- has that decorative --

7 MR. STAMPFL: It does have that. It is
8 not to the same extent. You see here basically is a
9 large U-shape that is a different color of the
10 Spec-Brik. So there is variation. It is not the
11 same pier rhythm that is on this elevation here.

12 BY MR. DAVIS:

13 Q. And that's along the rear yard,
14 correct?

15 A. That is correct.

16 Q. So compared to the other elevations,
17 that would be an area of the building that would be
18 less likely to be seen by motorists passing by the
19 site, is that fair to say?

20 A. That's correct.

21 Q. Is that why it was designed in that
22 manner?

23 A. We felt that these elevations here are
24 more visible, because of the nature of the site and
25 the orientation of the building on the site. This,

1 other than people going through the drivethrough,
2 has much less visibility.

3 MR. LANDGRAF: Okay. I think I'm
4 comfortable. As long as the other two sides are
5 similar.

6 MR. ENGLAND: I just wanted to know
7 whether or not you wanted to have it look like the
8 back of the house. That's where I was going with
9 the whole thing. There are two-way roads on either
10 side so it will be visible in some instances. I
11 just throw it out there. I like to have it
12 discussed, rather than just run it through.

13 MR. LANDGRAF: Let's come back to that.
14 I don't want to hold the presentation up.

15 MR. ENGLAND: Yeah.

16 MR. DAVIS: Any other questions of Mr.
17 Stampfl?

18 MR. LANDGRAF: Not at this time. Thank
19 you.

20 MR. DAVIS: Thank you, Mr. Stampfl.
21 Mr. McManus?

22

23 (WILLIAM P. McMANUS, previously sworn.)

24

25 BY MR. DAVIS:

1 Q. Bill, would you like to reintroduce
2 yourself to Mr. Landgraf and present your
3 qualifications to him?

4 A. Certainly. Good morning, Mr. Landgraf,
5 members of the staff. My name is Bill McManus. I'm
6 a licensed land surveyor, licensed planner in the
7 state of New Jersey. I'm a principal in the firm of
8 Duffy, Dolcy, McManus & Roesch and I was asked to
9 tender some planning testimony throughout this
10 application. I have appeared before Mr. Landgraf,
11 Mr. Reid on numerous occasions throughout southern
12 New Jersey offering planning testimony.

13 MR. LANDGRAF: We would stipulate to
14 his qualifications.

15 MR. DAVIS: Thank you, Mr. Landgraf.

16 BY MR. DAVIS:

17 Q. The first board is A-4 that you're
18 going to be testifying from?

19 A. That's correct.

20 Q. A-4 has an aerial of the site in
21 question. Can you describe to Mr. Landgraf the
22 property in question and surrounding land uses and
23 the zoning, et cetera?

24 A. Certainly. I know Mr. Landgraf is well
25 familiar with the site, but for the purpose of the

1 record I'll take a trip around the site to explain
2 the neighborhood.

3 Property's located on Atlantic Avenue
4 between Sovereign and Montpelier. To the west of
5 our particular property across Sovereign Avenue is
6 an existing parking lot. To the north across
7 Atlantic Avenue are some storefronts that contain
8 the typical kinds of commercial development you see
9 in these neighbors, a pizzeria, nail salon, some
10 office space as well. To the east across Montpelier
11 Avenue is an Asian restaurant at the corner of
12 Montpelier and Atlantic. There's a single-family
13 home behind that and then continuing down Montpelier
14 another parking lot and then immediately adjacent to
15 our property which is a parking field associated
16 with the entire block, is the remainder of that
17 parking area.

18 Our property is actually bisected by
19 two zoning districts, the NC-2 along Atlantic Avenue
20 and the RS-C, the remainder of the property towards
21 the rear. If your particular ordinance prescribes a
22 property such as this is bisected by two zoning
23 districts, then the least restrictive zone is to be
24 aligned with respect to the bulk standards. We've
25 decided that the least restrictive zone is the RS-C

1 so that's why the zoning chart that we show on our
2 site plan is relative to the RS-C zone. Within the
3 RS-C zone drug stores, pharmacies are permitted uses
4 and, of course, we comply with most of the bulk
5 requirements, save some of the variances that we'll
6 talk about briefly. However, I would also submit
7 that within the NC-2 zone pharmacies and drug stores
8 are permitted uses and so we believe that our plan
9 of development is not only consistent with the RS-C
10 zone, the predominant zone in this particular case,
11 but also consistent with the NC-2 zone along
12 Atlantic Avenue and of course the purpose of the
13 NC-2 zone is to promote neighborhood commercial
14 development, commercial development that satisfies
15 the needs of that particular community and we
16 certainly feel that we do that.

17 Drawing back a little bit with respect
18 to a more global view, the property's located in
19 your Chelsea district. The Chelsea district expands
20 quite a bit along Atlantic Avenue and then, of
21 course, towards Ventnor and more particularly we're
22 in the fifth ward of the Chelsea district. If I
23 could just refer to the Atlantic City master plan.
24 It talks about the fifth ward very briefly and it
25 says that this section of Atlantic Avenue that

1 traverses the fifth ward is the most viable
2 neighborhood community district in the city. And I
3 think it makes that statement because the fifth ward
4 is the second most densely populated neighborhood in
5 the entire city. So any commercial development that
6 caters to the needs of that particular neighborhood
7 and community certainly is compliant with the
8 Atlantic City master plan.

9 Now, drawing even farther back, the
10 reason that we're here before this particular
11 authority is because we're in the tourism district,
12 as opposed to being at the planning board. I have
13 excerpts from the master plan for the tourism
14 district and, of course, we understand that the
15 master plan is a strategic framework for near and
16 future development within the entire district. But
17 it also talks about some localized or specific
18 intentions with respect to local communities and
19 local locations, and one of the policies of the
20 master plan for the tourism district talks about
21 street improvement strategy, and in particular it
22 talks about vibrant mix of retail, pedestrian
23 circulation, signage and specifically talks about
24 ground floor retail. So we feel that our proposed
25 plan of development not only meets the intent and

1 purpose of the tourism district master plan, but
2 certainly, as I referenced earlier, meets the
3 purpose and the intent of the Atlantic City master
4 plan as well. So we feel that our plan development
5 is a nice fit for this particular area and will
6 serve the community which is located within.

7 That takes us to the plan of
8 development. We have Exhibit A-5 that we've marked.
9 It's the site plan that -- or the landscape plan
10 that we've color rendered, give you a little bit of
11 contrast as to what we're proposing to do.

12 Mr. Stampfl explained to you the
13 building, the building materials, the size of the
14 building and, of course, with any kind of a site
15 plan we have our associated parking field. We have
16 53 parking spaces, three handicapped spaces along
17 the front of the building. We have four access
18 points, two off of Montpelier Avenue, one off of
19 Atlantic and then one off of Sovereign. Our
20 drivethrough is towards the rear of the building
21 and, of course, we have our landscaping plan.
22 There's over 540 trees, plants, shrubs, ornamental
23 grasses that we're proposing for this particular
24 site. One of the things we're also doing, and I'll
25 talk about that a little bit more, is -- we'll talk

1 about the variances, is reducing the impervious
2 coverage on site. So this plan that you see is a
3 reduction over and against what is currently
4 improved on the property.

5 The variances. We have seven
6 variances. Most of them are associated with the
7 parking, the orientation of the parking, size of the
8 parking. Two variances deal with signage. The
9 first one is the ground-mounted sign. We have at
10 the intersection of Sovereign and Atlantic Avenue a
11 ground-mounted sign. Your ordinance allows for a
12 ground-mounted sign of five feet maximum height.
13 We're proposing six feet maximum height. We feel
14 that's a de minimis request. We feel it's a
15 necessary sign variance in order to attract
16 attention to this particular location. That's one
17 variance.

18 Q. Before you leave that one. All of this
19 plan of development was the subject of numerous
20 discussions informally with CRDA staff leading up to
21 this point, correct?

22 A. That's correct.

23 Q. And that particular sign was a noted
24 topic of discussion, correct?

25 A. That's correct.

1 Q. And we've -- in addition to the sign
2 itself, we've agreed to well landscape that
3 particular corner so it is consistent with the
4 intent and purpose of the tourism district standards
5 and also the Urban Design Standards as well? Is
6 that fair to say?

7 A. That is fair, yes.

8 Q. Okay. Move on to the next one.

9 A. Okay. Next variance has to do with
10 directional signs. That's getting the motorist onto
11 the site and directing them to the drivethrough in
12 the back. We have four directional signs. Your
13 ordinance doesn't preclude the number of signs or
14 doesn't require a specific number of signs, but it
15 does limit the size of those signs. Our directional
16 signs are four square feet. The maximum allowable
17 under your ordinance is two square feet. We feel
18 that that's a reasonable request. We want to give
19 the motoring public ample opportunity to know where
20 they're going once they get on the site. We think
21 that'll increase driver expectation in directing
22 them to the proper location so we don't have people
23 fumbling around in the parking lot looking where to
24 go.

25 Third variance has to do with lot

1 coverage and I apologize for going quickly if it
2 seems like I am. If somebody has any questions,
3 please feel free, but I know, as Mr. Davis
4 indicated, we've gone over a lot of the plan issues
5 in the past informally with staff, so we feel
6 confident that this plan is a representation of
7 what's expected for this particular location. But,
8 of course, we have to jump through the hoops when it
9 comes to the variances with respect to the
10 compliance with municipal land use law.

11 Lot coverage, as I mentioned.
12 Currently on site there's 92.8 percent lot coverage.
13 We're proposing to bring that down to 83 percent.
14 That's a reduction of impervious surface of
15 approximately 5,000 square feet. Your ordinance
16 requires 80 percent. We're at 83. We think that
17 that additional impervious coverage is necessary in
18 order to make this plan function properly, but any
19 time you move from nonconformity to conformity, we
20 think that that is sound planning practice and we
21 think that's advisable, so that variance is
22 justified based on that fact alone.

23 Q. In addition, I know Mr. Dolcy's here as
24 the engineer, but I know you're familiar as well.
25 We're able to maintain all of our storm water

1 consistent with New Jersey storm water management
2 controls which is another reason why there's a lot
3 coverage variance or lot coverage standard in order
4 to make sure that that can be accomplished. Are we
5 able to do that here despite the fact that we need
6 that variance?

7 A. Yes, we are and I know my partner
8 Pete's been in conversation with your staff engineer
9 as to the particulars of those types of strategies.

10 Four variances actually have to do with
11 parking. The first one is the number of parking
12 spaces. When taking in totality the specific
13 ordinance requirement, we need to have 65. However,
14 there's a provision in your ordinance that allows a
15 reduction of that particular number down to 85
16 percent, if the project is within 300 feet of
17 transportation routes. Now, Atlantic Avenue is
18 certainly a transportation route. We're immediately
19 adjacent. However, we're also within 300 feet of
20 Pacific Avenue, which is a transportation route
21 provided by jitney service, so we feel that we
22 comply with that purpose of the ordinance and that
23 the reduction is reasonable. When you apply that 85
24 percent reduction or down to 85 percent, then the
25 ordinance would require 55 spaces. We're offering

1 53. We think the two-space deficiency is de minimis
2 and, quite frankly, does not interfere with the
3 function of the parking lot.

4 Q. In addition, earlier we talked about
5 the landscape area for the monument sign. That
6 consumes a fairly expansive area which otherwise
7 would be parking space?

8 A. That's right. In one of the initial
9 iterations of our site plan, we had some additional
10 parking spaces adjacent to the sign, but in order to
11 accommodate the sign and the associated landscaping,
12 we eliminated those parking spaces. Otherwise, we
13 would have been compliant with the reduction
14 allowed.

15 Q. Do you believe that there's still
16 sufficient parking on-site in order to service the
17 proposed use?

18 A. I do. I think that there is and even
19 more importantly than that, Rite Aid thinks that
20 there is. Rite Aid's a national brand. They're
21 experienced in these kinds of operations all across
22 the country for numbers of years. They feel that
23 this will satisfy the needs of this particular store
24 in this particular location and so I certainly
25 believe that it will as well.

1 Q. Okay. What other variances are
2 required for the parking?

3 A. Couple of more. The parking space
4 depth. Your ordinance requires 9 by 19. We're
5 proposing 9 by 18, a one-foot reduction. We feel
6 that that as well is de minimis. 9 by 18 is an
7 industry standard across the region. It also allows
8 for less impervious coverage, smaller parking
9 spaces. They're still sufficient in size to
10 accommodate the vehicles that would be here. But it
11 helps us reduce the impervious coverage and still
12 meet an industry standard that I think has satisfied
13 these kinds of uses throughout the literally
14 decades.

15 The last two have to do with the
16 parking lot in front of the building and on the side
17 of the building. Typically these are the kinds of
18 lots that Rite Aid, the national brand, likes to
19 see. Your ordinance looks at it a little
20 differently strategy-wise with the building on the
21 street and parking to the rear. Through various
22 conversations with staff in meetings, we were able
23 to show that we can still comply with the intent of
24 the tourism district and also satisfy the national
25 brand Rite Aid by putting the parking in front and

1 side. Those are the two variances -- last variances
2 that we're looking for and we think that's
3 reasonable as well.

4 Q. And these are all C-2 variances that
5 we're requesting?

6 A. These are all warranted under C-2, the
7 municipal land use law, because the variances that
8 are associated with this particular plan of
9 development advances the purposes of zoning. And
10 they offer a benefit that outweighs the detriment.
11 With respect to the purposes of zoning, specific
12 purposes, certainly feel that 2-A is satisfied which
13 talks about guiding the appropriate development
14 which will promote the general welfare and we think
15 that this promotes the general welfare. I
16 demonstrated through the Atlantic City master plan
17 and your tourism district that this is the kind of
18 use that the governing body and this authority
19 believes is suitable for this location, so we think
20 it advances the general welfare.

21 Also, we believe it provides light air
22 and open space. In this particular zone you can
23 have a building as high as 380 some feet. We're
24 below 25 feet. I've already talked about the
25 reduction of impervious surface or coverage, so we

1 feel that this particular plan of development
2 advances that concept of providing light air and
3 open space.

4 Mr. Stampfl talked about the style of
5 the building. This Rite Aid is not your typical old
6 school Rite Aid. If you go out to some other
7 portions of the county, you'll remember they have
8 the pinnacle roof with the bright blue signs and the
9 triangle windows. This building's next generation.
10 This is the new idea, new step forward in
11 architectural design for Rite Aid. It's sleeker.
12 It's leaner. It's cleaner looking. Certainly I
13 think that promotes a desirable visual environment.

14 Lastly, we think that 2-G provides
15 sufficient space in appropriate locations for the
16 proposed development. We think we satisfy that
17 purpose of zoning. As I mentioned, we're in the
18 zone that encourages this kind of neighborhood use
19 in this location.

20 Lastly, rounding third base, if you
21 will, negative criteria. No substantial detriment
22 to the public good. And I certainly don't believe
23 that we're going to impair the intent and the
24 purpose of the zone plan, particularly the master
25 plan and the tourism district plan. So I believe

1 that the variances are independently justifiable and
2 certainly taken as a whole, they allow for
3 development that offers a better alternative plan.

4 Q. I asked Mr. Stampfl about the
5 building-mounted identification signage. You're
6 familiar with our sign package in its entirety,
7 correct?

8 A. Correct.

9 Q. Does this plan of development fall well
10 within the limitations on square footage of the
11 building-mounted signage?

12 A. It does. Your ordinance requires the
13 calculation for sign area to be taken as a
14 percentage of building facade. When we add up the
15 building facades on all four sides, actually five
16 sides, sort of a pentagon here, and do the
17 calculation at 25 percent, we get a number that's
18 slightly under 3,000 square feet. Our sign package
19 is under 600 square feet, including the
20 ground-mounted signs, the directional signs, all the
21 wall signs, so we feel that we are significantly
22 under the area that -- maximum allowable area for
23 signage.

24 Q. You're aware of the Adams, Rehmann &
25 Heggan report?

1 A. Yes.

2 Q. Some of these might be engineering
3 related. Mr. Dolcy's here and associated with your
4 office, correct?

5 A. Correct.

6 Q. So he can chime in if necessary.

7 I wanted to address some issues for
8 purposes of the record. We've already addressed the
9 flood issue, the finished floor elevation issue and
10 the waterproofing with Mr. Stampfl's testimony. That
11 qualified as part of this application for
12 development, is that correct?

13 A. That's correct.

14 Q. There was a comment about the details
15 of the roof drains and to describe them further.
16 Can you do that?

17 A. No, that would be Pete.

18 Q. Mr. Dolcy would do that?

19 A. Yes.

20 Q. Well then let's bring forward Mr.
21 Dolcy. Anything else you wanted to add?

22 A. The only other thing. There was a
23 comment about a historic sign that's located on this
24 particular property, the Harold Corry sign. The
25 Harold Corry sign is a placard that pays homage to

1 Harold Corry. It's located right where we're having
2 an entrance driveway, so we're going to relocate the
3 Harold Corry sign on-site. Mr. Corry was the
4 founder and first president of the Chelsea
5 neighborhood. I mentioned that we're in the Chelsea
6 district, civic organization with a lot of history
7 in uplifting the community in a number of different
8 ways, so rightfully so he deserves that sign and
9 we're going to maintain that sign.

10 Q. Same thing with respect to the metered
11 parking standards? They're going to be relocated in
12 consultation with the city?

13 A. That's correct.

14 MR. DAVIS: Any questions for
15 Mr. McManus?

16 MS. COFONE: I actually have a few.
17 That was a really comprehensive presentation
18 justifying all the variances. I agree with your
19 purposes. You, I think, cited A, C and G of the
20 land use law. I understand that you intend to
21 justify all the variances as C-2 variances. I think
22 that they could consider the coverage variances as
23 C-1 variance, because as a hardship lawful
24 preexisting conditions on the site would constitute
25 that. So would you agree that that one could be

1 justified under C-1 and C-2?

2 MR. McMANUS: I would agree, and as a
3 matter of fact, when we first started this project,
4 we didn't have as much land area as we have now.
5 The client went out and purchased additional
6 property, but was foreclosed from purchasing any
7 more --

8 MR. DAVIS: Prevented.

9 MR. McMANUS: Prevented, thank you.
10 Prevented from purchasing any more property, because
11 this particular lot is under consideration for
12 future development. So, yes, thank you.

13 MS. COFONE: My other question is
14 relative to the parking variance. The ordinance
15 doesn't have a mechanism for allowing any
16 forgiveness, if you will, for the drivethrough, but
17 would you agree that that might reduce the parking
18 demand on-site thereby negating the variance?

19 MR. McMANUS: Absolutely. We laid out
20 the parking for a free flow of traffic throughout
21 the site. So that required as one of the zoning
22 purposes and the site functions as a whole. When we
23 look at the site, these kinds of cases, from a
24 planning perspective, we don't always necessary
25 focus on one particular variance over the other. We

1 look at the overall plan of development based on
2 that planning strategy.

3 MS. COFONE: Then do you have a detail
4 of the sign base and how you -- the monument sign?
5 Do you have a detail of that or any landscaping a
6 plan?

7 MR. McMANUS: The landscaping plan
8 shows the plantings around the monument sign and
9 there is a detail in the sign package.

10 MS. COFONE: Okay.

11 MR. McMANUS: That --

12 MR. DAVIS: It's part of the
13 submission.

14 MR. McMANUS: It's part of the
15 submission, I believe, yes.

16 MR. DAVIS: Do you have it, Lance?

17 MR. LANDGRAF: Yeah, we do. The
18 question that --

19 MR. McMANUS: Lance, can I make sure
20 you have the right one? Yeah, and the only reason I
21 ask, because we have a new sign contract or actually
22 our sign's a little different than that, the newest
23 version of the sign.

24 MS. COFONE: Perhaps the newest version
25 of the sign, base of the sign has a nice brick that

1 matches the building. I'm just suggesting.

2 MR. McMANUS: If it doesn't, I
3 guarantee you that it will.

4 MS. COFONE: I just this think it's a
5 strong corner, highly visible. I think that would
6 be a nice element.

7 MR. McMANUS: We'll submit a
8 supplement.

9 MR. DAVIS: Not this morning but as a
10 condition of improvement?

11 MR. McMANUS: We will submit something
12 that shows with the brick carried through the sign.

13 MS. COFONE: I think Mr. England raised
14 an excellent point. If you could just point out for
15 the hearing officer the one wall that Mr. England
16 said needs some dressing up. If you could point
17 out, referring back to your site plan exhibit, what
18 wall, so on my right-hand side, yes, where on your
19 site plan that wall will be visible from?

20 MR. McMANUS: This is what I would
21 consider the rear drivethrough part, opposite
22 Atlantic Avenue. This is the side of the building
23 that will face that future development over here.

24 MS. COFONE: Right.

25 MR. McMANUS: The parking lot that's

1 currently there right now.

2 MR. DAVIS: That's a future development
3 that I believe is the subject of a redevelopment
4 project for a --

5 MR. LANDGRAF: That parcel actually
6 was, I don't want to say excluded from that
7 development, but it's preserved for future
8 development is how they couched it in their
9 application.

10 MR. McMANUS: A parking lot?

11 MR. LANDGRAF: Not necessarily.

12 MS. COFONE: There would be development
13 at some point and I just think if you look at that,
14 what is that marked in evidence?

15 MR. McMANUS: A-2.

16 MS. COFONE: If you look at A-2 in
17 evidence, it's almost like one of these things just
18 doesn't belong here and it's that wall and I think
19 you could benefit from some -- it could be more
20 handsome and since that site will be developed at
21 some point in the future, I personally, from a
22 planning point of view, if you're going to rely on
23 criteria I of the land use law, I think you should
24 address that wall.

25 MR. DAVIS: Let's bring up Mr. Stampfl

1 since he is the project architect to address that
2 issue.

3

4 (PETER G. STAMPFL, recalled.)

5 BY MR. DAVIS:

6 Q. What can be done with respect to the
7 elevation, Mr. Stampfl, to address Ms. Cofone's
8 concerns?

9 A. I think what you're reacting to is
10 there is a very distinct rhythm with break in
11 material that you see in these three elevations.
12 This one, although there is a change in the color of
13 the material, it's not as pronounced as what you see
14 in these elevations here, so we certainly could look
15 at introducing additional piers so that the rhythm
16 that you see in the other elevations is extended
17 across that elevation as well.

18 MR. LANDGRAF: I think that's what
19 we're looking for, to make it, not necessarily
20 mirror, but match what goes around the rest of the
21 building.

22 MR. STAMPFL: Exactly. The spacing,
23 depending on the overall length of the elevation
24 varies, but I think the intent of these piers,
25 although the spacing may not be identical, would

1 proportionately be --

2 MR. LANDGRAF: Similar to that
3 left-hand side of the building?

4 MR. STAMPFL: Exactly.

5 MR. DAVIS: What we may decide to do at
6 some future date is, you know, the sign that we're
7 proposing, the monument sign that we were discussing
8 is still rather low, even though we need a one-foot
9 variance at six feet. We may make a subsequent
10 application to increase the height of that sign, so
11 that it is more easily visible, particularly as
12 you're driving toward Albany Avenue on Atlantic.

13 MR. LANDGRAF: In our preliminary
14 discussions, again, applicants are actually required
15 to come to us before they submit and get our
16 comments from our staff and some from me as well. I
17 was a proponent of creating that entrance, because
18 that is kind of an entrance to the Chelsea area
19 coming into the city. So we're trying to dress it
20 up. Right now it's a rather desolate parking area,
21 parking field, as Mr. McManus refers to it. One of
22 the things that we're looking at, and I do like
23 Christine's suggestion of maybe using a brick kind
24 of monument sign instead of a metalish looking sign.
25 Was there ever a thought of an LED sign in that?

1 MR. DAVIS: Was there a thought about
2 it?

3 MR. LANDGRAF: Instead of the
4 changeable text. You know, to me it's the old
5 corrugated white with the black letters.

6 MR. DAVIS: Oh, I see.

7 MR. LANDGRAF: That's just not -- I
8 don't know. It's not the most attractive thing in
9 the world. So I asked Mr. Reid to take a look at
10 our ordinance to see if these LED signs are
11 permitted and I'm going to ask him if he's been able
12 to find it.

13 MR. REID: I haven't been able to find
14 it.

15 MR. DAVIS: We do have a new sign
16 contractor involved and we'll certainly take that
17 back and see if it can be incorporated.

18 MR. LANDGRAF: Just the white with the
19 black letters looks dated, if you will.

20 MR. STAMPFL: One other point. With
21 the new signage package which will be submitted,
22 there is a similar sign, as you see on this
23 elevation here, that is proposed for the upper
24 corner here.

25 MR. LANDGRAF: With that I would

1 definitely encourage you to redesign that rear of
2 the building, because it will be -- at some point
3 there's going to be something on that lot. I would
4 doubt that it's going to be a parking lot.

5 MR. STAMPFL: Right. That is going to
6 determine -- I bring it up, because that will
7 determine where aesthetically piers would look
8 appropriate.

9 MR. LANDGRAF: That's fine. Because
10 they're not in your same visual pattern. If it's a
11 couple of feet different, I don't think that's a
12 huge issue, but dressing up that facade, and I
13 hesitate to even call it a rear anymore, because
14 it's going to be visible from an adjacent property.
15 Almost a side yard to them.

16 MR. DAVIS: We're still going to be
17 well within the building signage requirements even
18 with that additional --

19 MR. LANDGRAF: Okay. Good.

20 MR. DAVIS: -- sign. Any more
21 questions for Mr. McManus or Mr. Stampfl? If not, I
22 have a couple questions for Mr. Dolcy.

23 MR. LANDGRAF: Yes, I have a couple
24 questions for Mr. Dolcy as well.

25

1 (PETER DOLCY, previously sworn.)

2

3 MR. DAVIS: Mr. Dolcy, you've been
4 sworn.

5 Can we stipulate to his qualifications
6 as an engineer?

7 MR. LANDGRAF: Yes.

8 BY MR. DAVIS:

9 Q. I just wanted you to address some of
10 the comments in the ARH report. You reviewed that?

11 A. Yes, I have.

12 Q. And one of the comments related to the
13 detail, the location of the roof drains and proposed
14 runoff route and the treatment of emergency
15 overflow.

16 A. Sure. Originally in the design the
17 idea was that their downspouts were actually going
18 to be on the parking lot side of the building.
19 Recently the architect has advised us that they'll
20 have to be on the Montpelier side of the building.
21 I have been discussing with Mr. England and we're
22 proposing to install a trench drain, for lack of a
23 better term, with a downspout hooked up into an open
24 grate, then pipe it through the landscaped areas.
25 So the runoff, unless there's an overflow, would not

1 be directed through the landscape area and we're
2 going to minimize the amount of openings we have to
3 do in the sidewalk with a french grate as opposed to
4 just running pipes under there and putting a hole in
5 the curb line. We can work that out. I've given
6 him a concept and that's what we're working on right
7 now.

8 Q. There was a question asked about the
9 light foundation adjacent to lot nine, if it's
10 actually located on lot nine.

11 A. No. That's just a drafting error.
12 It's this light right here at the rear of the
13 building opposite the drivethrough and that will be
14 fixed and moved onto our property.

15 Q. So it's located on-site, correct?

16 A. Correct.

17 Q. Question asked about identifying the
18 location of guide rail on the plans. Is there any
19 guide rail?

20 A. No, there is not. That was just an
21 extra detail on the drawings.

22 Q. You're familiar with all the other
23 comments in the ARH report?

24 A. Yes.

25 Q. Do we agree with them as a condition of

1 any approval granted?

2 A. Yes, we do.

3 MR. LANDGRAF: Before we get to our
4 consultants, Pete, could you show me how the
5 tractor-trailer access is for deliveries?

6 MR. DOLCY: Sure. Even though this is
7 a one-way directional driveway behind the building,
8 what we're proposing would be that when the
9 deliveries are made at a once-a-week period, the
10 truck will actually come in contrary to the traffic.
11 There is a specific lane there for the truck to park
12 temporarily. What that allows is for the end of the
13 truck to be at the loading dock so they can just
14 unload, cross, go up the ramp and into the back of
15 the building. One of the challenges for the site is
16 actually the new flood hazard regulations on this
17 property. Because of flood hazard requirements, we
18 have to build the first floor elevation up to
19 elevation 11 which makes some of the slopes on the
20 property due to its narrowness very hard to manage
21 on the property. So what we would like to do again
22 is the truck would just circulate and go back off
23 onto Sovereign Avenue. We did all the turning
24 radiuses and the truck can make the maneuvers out of
25 those driveways.

1 MR. LANDGRAF: Okay. Bill, you took a
2 look at that?

3 MR. ENGLAND: Yeah. The
4 tractor-trailer deliveries I don't think are that
5 frequent that it will cause an issue and the fact
6 that they have a dedicated area for them to park,
7 also it's a pretty wide driveway in the back there,
8 so the truck will be using an area of a wider
9 driveway designated for them. So as long as they
10 can tuck that vehicle up against that property line,
11 I think that's, you know, a reasonable solution and
12 I hope you would agree that should it become an
13 issue that they'll take care of it on-site so it
14 resolves any issues that may come up.

15 MR. DOLCY: If the truck comes in this
16 way, then you're talking about it being on the
17 opposite side of the drivethrough and then the
18 person delivering has to cross the whole back and
19 then go up.

20 MR. LANDGRAF: Right. You anticipate
21 the vehicle coming from Atlantic Avenue, down
22 Montpelier and then in or the other way?

23 MR. DOLCY: Either way. We did make
24 sure there's room for both those turnings. It would
25 be easier coming the opposite direction.

1 MR. LANDGRAF: Sure. I'm happy to have
2 loading off the streets. That is a major headache
3 in this city with a lot of our Atlantic Avenue and
4 Pacific Avenue properties. So this is nice that it
5 is. I know it's a challenge, but it is nice that
6 it's off the street and the maneuvers of the vehicle
7 are off the street. Doesn't have to back up, back
8 onto any of the right of ways or car ways.

9 MR. ENGLAND: Just backing on a
10 comment. When do the trailers come in for
11 deliveries?

12 MR. DOLCY: The thinking here would be
13 sort of early morning before major business hours,
14 off-peak hours.

15 MR. ENGLAND: Okay. So you're saying
16 maybe between seven and nine?

17 MR. DOLCY: That would be reasonable,
18 yes.

19 MR. ENGLAND: Any evening deliveries or
20 late night?

21 MR. DOLCY: Not to my knowledge, no.

22 MR. ENGLAND: And when the vehicle
23 comes in, offloading and out?

24 MR. DOLCY: Correct.

25 MR. ENGLAND: Not going to be sitting

1 there for days?

2 MR. DOLCY: No.

3 MR. DAVIS: We did submit this plan to
4 the city's fire official as well and he had an
5 opportunity to review it and was acceptable with it.
6 Obviously, he'll review it again when we get to
7 building permit phase, but we did take a step and
8 have him look at it in advance.

9 MR. LANDGRAF: Okay. If there's
10 nothing else from your side, I'll ask our
11 consultants.

12 MS. COFONE: No. I have no additional
13 questions. Thank you for answering my planning
14 questions.

15 I just did a quick review of the
16 ordinance as well as far as the LED signs. I
17 couldn't find anything. This is a section on
18 prohibited signs. There is nothing in that section
19 that would prohibit an LED sign that I could see.
20 But thank you for answering my questions and for your
21 presentation. I have nothing further.

22 MR. LANDGRAF: Thanks, Christine. So
23 take it into consideration in your redesign if it's
24 something you want to look at. I'm just not a huge
25 fan of the white boards with the black letters.

1 That's all.

2 Bill, any additional?

3 MR. ENGLAND: I just wanted to
4 compliment the applicant on his presentation. I
5 think it was very concise and to the point and very
6 well done. I did hear them say that they agree with
7 everything in the report. I do have one question if
8 Pete would come up. Conversation we had as late as
9 yesterday and I just want the board to weigh in on
10 anything that may come up. You talked about some of
11 the fencing type, I think?

12 MR. STAMPFL: Correct. What the plan
13 shows right now is a decorative fence along where
14 the truck would be parking in the loading area and
15 then we do have a fence that would go around the
16 recycling trash area. The question is actually the
17 type of fence that we would be putting along there.
18 I guess our general discussions were that we would
19 be using some sort of a vinyl fence, board on board
20 to create that buffer area and just to know whether
21 or not the board was satisfied with that fence or --

22 MR. LANDGRAF: I know typically we like
23 to see the open wrought iron, what's become known as
24 the SID fencing, but they're looking for a buffer
25 here.

1 MR. ENGLAND: I wanted a discussion on
2 it, because I know where we usually go with the
3 decorative wrought iron fence. I was just wondering
4 whether or not part of that could be decorative and
5 open, as you mentioned, say, maybe where the
6 tractor-trailer would go, but where we have the -- I
7 haven't seen a detail of it yet, but where we have
8 the trash and recycling bins, normally enclose
9 those, so that's pretty solid. I didn't know if
10 there was a compromise here if you really had a
11 preference. I didn't feel maybe the vinyl solid
12 fence was a good way to go.

13 MR. LANDGRAF: Yeah. I don't know what
14 to think on that.

15 MR. ENGLAND: I just brought that up to
16 give them some input. Before we get to final plan
17 designs and approvals, that will be fleshed out, but
18 I just wanted to give you the opportunity to have
19 them say something about it and if there's any
20 preference you may have at this point.

21 MR. STAMPFL: As part of the
22 compliance, maybe we'll come up with a sketch and
23 we'll pass it back and forth to work it out.

24 MR. LANDGRAF: Okay. That would be
25 fine. I think it's a good discussion item. Maybe

1 the professionals can get together and look at that.
2 I definitely want solid fencing around the trash
3 enclosure.

4 MR. ENGLAND: I agree with you, right.
5 I think maybe the open fencing over where the
6 pharmacy area is.

7 MR. LANDGRAF: Yeah, because the
8 truck's not going to be there that long.

9 MR. ENGLAND: But I didn't want to see
10 one blank wall back there and it takes away from the
11 building itself.

12 MR. LANDGRAF: I agree. I think at
13 this point that would be the recommendation,
14 something more open designed where the loading truck
15 would be parking and solid around the trash
16 enclosures.

17 MR. STAMPFL: Okay.

18 MR. ENGLAND: I think those are all my
19 comments and thank you.

20 MR. LANDGRAF: We're good with the
21 access to Atlantic Avenue. We got all those issues
22 hashed out?

23 MR. ENGLAND: Yeah. I had a comment in
24 there about the lighting I wanted brought down a
25 little bit, felt it was a little too bright to

1 balance everything, but they redid everything.

2 MR. LANDGRAF: I know we softened the
3 curbs or tightened up the curbs.

4 MR. ENGLAND: Yeah, not as wide as it
5 originally was, so I think for the way that access
6 is at this point, I think is acceptable.

7 MR. LANDGRAF: Okay. And we changed
8 the color of the paving in there, so it's aware that
9 there's a pedestrian crosswalk there?

10 MR. ENGLAND: Right. The only thing I
11 asked of the applicant, make sure it's a smooth
12 surface because the people in the wheelchairs and
13 motorized chairs, they really do not like those
14 rough surfaces that look like brick. They look real
15 nice, but when you're in a wheelchair, it really
16 causes problems for them.

17 MR. LANDGRAF: Almost a rumble strip
18 for them?

19 MR. ENGLAND: Exactly. Right. So
20 they're going to work with us on it.

21 MR. COLLINS: I have a housekeeping
22 matter. There's been several references to the ARH
23 report.

24 MR. ENGLAND: The date of that report
25 is July 10th.

1 MR. COLLINS: Thank you. We'll call
2 that B-1.

3 MR. LANDGRAF: Rob, do you have
4 anything else?

5 MR. REID: No.

6 MR. LANDGRAF: Christine, good?

7 MS. COFONE: Good.

8 MR. LANDGRAF: Rob, anything else?

9 MR. REID: No.

10 MR. LANDGRAF: Anyone from the public
11 have any comments on this application, come up at
12 this time and state your name and give your
13 comments.

14 Seeing none, we'll close the public
15 portion. Now we can --

16 MR. DAVIS: Just a question. What's
17 the anticipated time line? Do you know when the
18 next CRDA meeting will be?

19 MR. LANDGRAF: Next CRDA meeting would
20 be August 3rd, Tuesday. The date is -- I think it's
21 the 18th. We will shoot for that. I can't make any
22 promises. We have to get our court reporter's
23 transcript back, get our hearing officer's report
24 and get it in time for that board to review it prior
25 to that hearing. We will try for that date. Worst

1 case it will be on in September.

2 MR. DAVIS: Very good. Thanks for your
3 time and comments.

4 MR. LANDGRAF: I will provide that
5 hearing officer report to you prior to it being
6 submitted to the full board.

7 MR. DAVIS: Thank you.

8 MR. LANDGRAF: We're going to take a
9 five-minute recess before we start the next
10 application.

11 (The hearing was concluded at 10:53
12 a.m.)

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